

**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
January 19, 2016**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, January 19, 2016 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:07 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (via teleconference); Commissioner Jacob Shisha (present); Commissioner Charles Wowkanech (absent).

Elections of Officers

Ms. Stuckey read the nominations for officers for the calendar year 2016: Commissioner Timothy J. Dacey, President; Commissioner Brian McEwing, Vice President; Commissioner Jacob Shisha, Secretary; Commissioner Charles Wowkanech, Treasurer.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the nominations. All voted in favor.

Approval of the December 22, 2015 Meeting Minutes

Ms. Stuckey announced that the minutes should be amended as follows: Page 6 under Public Comment paragraph 3, line 4 should read..."there was at least 50ft of..."

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the minutes of the December 22, 2015 meeting minutes as amended. All voted in favor.

Resolution #16-01 to approve the January Treasurers Report

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #16-01 to approve the January 2016 Treasurers Report. All voted in favor.

Executive Director's Report

A. Hudson River update:

Since the Commission's last meeting there have not been any transport jobs on the Hudson River.

B. Bayonne Bridge Update:

Ms. Stuckey attended a meeting with the Port Authority, Contractors, Coast Guard, Pilots and the New York Commission regarding issues with the safety netting on the Bayonne Bridge. The contractors presented a diagram of the bridge with the netting installed. They initially stated that the netting could not provide much of an obstacle because it is a tension net that is designed to snap back into place. When asked the question whether it fell below the underbelly of the bridge reducing the air gap clearance they admitted in some spots that it did hang about 6 inches reducing air gap clearance. They also discussed the issue of loose hanging wires. It was explained to them that any reduction in air gap clearance should be communicated to the pilots because it made a difference when they did their calculations to determine whether they had enough clearance to safely transit under the bridge.

The contractors were very receptive to the feedback they received and agreed to take the following steps: 1) They will determine the exact number the netting reduces the air gap clearance and communicate it to the community, 2) Increase their inspections of the bridge to ensure the netting is properly in place and there are no other obstructions, 3) They asked the pilots to be another set of eyes and ears and report any issues, and 4) Set up a reporting mechanism so that any issues can be immediately communicated to VTS. Ms. Stuckey went over the diagram with the Commission and believes that the contractors understood the issues.

The contractors then gave a summary of the remaining work that needs to be completed including timelines. Ms. Stuckey highlighted two areas discussed: The first was the removal and de-leading of the existing roadway. They pointed out that the de-leading will only take place during the 8 hour closure that is slated to take place once every two weeks and therefore won't have a big impact on commercial traffic. The second was the date that the channel will be navigationally cleared for commercial traffic. The contractors gave a date of April-2017 the

Port Authority representatives that were present immediately jumped in and stated that is not the date we are publishing. They are publishing a date of December-2017 to allow themselves some wiggle room. When asked why such a disparity in the dates, the contractors back-tracked a little and stated that the completion dates changes constantly and is subject to weather conditions, availability of materials, etc. They thanked everyone for attending the meeting and expressed their desire to hold another meeting as the project moves along.

There will be a representative from the Port Authority attending the Commission's February meeting to discuss this issue and the initiatives undertaken by the Council on port Performance.

C. Meeting with the Coast Guard:

Immediately following that meeting Ms. Stuckey was approached by the investigator from the Coast Guard that was assigned to the most recent bridge strike. He was questioning the Commission's training methods for pilot apprentices. Ms. Stuckey explained to him the process and he proceeded to ask, how many trips are they required to transit under the bridge before they are issued a license. Pilots in the vicinity overhead the interaction and started to get involved in the conversation. The investigator started talking about witnesses to the bridge allision and a video tape which took the conversation in a different direction. When the conversation seemed to take on a negative tone, Ms. Stuckey attempted to end it and stating the issues could be worked out during the meeting on the 27th. The investigator then stated he got all the information he needed and didn't feel the need for a meeting. Ms. Stuckey stated that she definitely felt the need for a meeting since there were still some issues that needed to be worked out.

Ms. Montilus was instructed to send an email to all the participants of the meeting at which time, the investigator sent her an email trying to cancel the meeting because he didn't want to waste time. Ms. Stuckey then contacted the Head of the Coast Guard's Prevention Department to invite him to the meeting. She believes that the issue could be worked out amicably but didn't want to see it get out of control. The Commissioners recommended that she reach out

to the COTP to get him involved. She agreed and will reach out to him after the Harbor Ops meeting on the 20th.

Ms. Stuckey feels that there are a lot of new faces at the Coast Guard who are unfamiliar with the Commission and the role of the pilots. She believes it is a matter of educating the new staff on policy and procedures that are already in place.

Captain Flannery stated that the investigator was questioning the pilots' professionalism and needs to be educated. Metro Pilots will continue to follow procedures that are currently in place.

Captain Schoenlank believes that the meeting needs to take place to educate the new investigative team. He believes That the issue goes beyond the Bayonne Bridge and is matter of just having a good working relationship.

D. Commission Regulations:

Ms. Stuckey reported that the Commission's regulations will expire in November of 2016. They will need to be readopted prior to the expiration date. She has been in communication with DAG Kahler to begin the steps to review the current regulations to look for any improvements that need to be made. DAG Kahler pointed out that the Commission's current regulations and statues on the hearing process do not support one another. They are looking to have a draft ready for the Commission to approve for proposal by May-2016.

E. Harbor Ops Meeting - The Harbor Ops Meeting is scheduled for Wednesday, January 20, 2016. Ms. Stuckey has not received the agenda but plans to attend the meeting.

F. Port Authority Article - The Port Authority released an article reporting that November was another record month in container volumes in the port of New York/New Jersey. A copy of the article was provided to the Commissioners.

G. Maritime Executive Article - The Commissioners were provided with a copy of an article from the Maritime Executive about the largest container vessel in the United States arriving in Los Angeles.

H. Consultant Update - Ms. Stuckey and DAG Kahler are still working on the contract. Ms. Stuckey has been in contact

with the Consultant and he has already begun working on the test. Ms. Stuckey will have the Committee meet in early February to review his drafts. The next Docking Pilot apprentice will be ready to test by May-2016.

- I. Master/Pilot Exchange Form Proposal - A copy of an email from Captain William Clifford was provided to the Commissioners. The email provides a list of items to be formatted into a form for Masters to sign off on in lieu of the verbal Master Pilot Exchange. Although Ms. Stuckey appreciates the effort she recommends that the Commission not deviate from their current policy. She believes that the verbal exchange will be recorded by the VDR and in the case of an incident it is the best representation that the exchange took place. Commissioner Dacey suggested that Ms. Stuckey thank Captain Clifford for his submission and forward the request to the President of Metro Pilots to respond. Ms. Stuckey agreed and stated her appreciation at receiving feedback and recommendations from the pilots but would like all requests to go through the current presidents to ensure some structure.
- J. Sandy Hook Pilot Apprentice Report - A copy of the report was provided to the Commissioners. Apprentice Ryan Pakalik is currently "stopped up". He will sit for his state licensing exam in October 2016. Before that time, Ms. Stuckey will meet with Executive Director Frank Keane and Commander Jack Olthuis to update the exam.
- K. Harbor School Dinner - Ms. Stuckey will attend the Harbor School Dinner on February 24, 2016. She is hoping to have one of the Commissioners accompany her to the event.
- L. NJ Transit Update - Ms. Stuckey reported that there have been several issues with NJ Transit regarding IDs, parking, and meeting room reservations. All items are covered under the Commission's lease. Ms. Stuckey has reached out to the staff at NJ Transit several times and still has not received any response back. Recently she has begun copying Commissioner Dacey on her e-mails and will continue to so moving forward. Ms. LeBoeuf also mentioned she would reach out to the GAU representative assigned to NJ TRANSIT to get a response on the Commission's concerns.
- M. Vacation Schedules - Ms. Stuckey does not have any vacation time scheduled.

Ms. Montilus is scheduled to be on vacation from January 20th to January 29th, during that time there will be a temporary assistant in the office.

Public Comment(s)

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

Captain Schoenlank advised that the dredging in Upper Bay is still ongoing. Currently there are GPS stations on their property to make sure the dredging is being done accurately and efficiently. It should be completed by the end of March or early April.

The #14 buoy in Sandy Hook Channel is scheduled to be moved either tomorrow or Thursday. This will allow for more navigational space in the channel.

Captain Schoenlank congratulated Captain Seeth on his impressive 46 year career. He thanked him for all that he has done for the Sandy Hook Pilots Association and wished him the best.

Captain Schoenlank also congratulated Captain Mark Wanderer. He joins the board on February 1, 2016. He looks forward to an impressive career from Captain Wanderer as well.

Comment from Captain Robert Flannery, Jr., President Metro Pilots Association:

Captain Flannery reported that the Port Newark Dredging project with the Army Corp. and Port Authority is still ongoing. Everyone is still trying to figure out the cost and logistics.

Comment from Edward Kelly, Executive Director, The Maritime Association of NY/NJ:

Mr. Kelly reported that the Port Authority has agreed to fund the PORTS system for the next four years.

The America Cup Race is coming to the Port. The Permit is currently being reviewed by the Coast Guard. The race will take place in the Upper Bay, closing only certain areas. The Race is

approximately twenty minutes long, so they do not expect any interference with normal Port operations.

Mr. Kelly also reported that the Navy is in the process of putting plans in place for Fleet Week.

Swearing in of Captain Mark Wanderer as a Deputy of a Deputy Maritime Pilot

Captain Mark Wanderer was sworn in as a New Jersey State Deputy Maritime Pilot by Commissioner Dacey.

Ms. Stuckey informed the Commission that Captain Wanderer scored very high on his exam and made no errors on his charts.

Honoring of Maritime Pilot Captain Richard Seeth

Captain Richard Seeth was honored by the Commission for his years of service as a Maritime Pilot. He was presented with a plaque by Commissioner Dacey.

Captain Seeth thanked the Commission and shared a few words on his experiences working as a pilot.

Resolution #16-02 to approve Personnel Actions

Commissioner Dacey reported that there were amendments to Resolution #16-02 which the Commission will be discussing during Executive Session.

Resolution #16-03 to approve the FY15 Audit

Commissioner Dacey reported that Ms. Stuckey hosted a conference call for himself and Commissioner Shisha to review the FY15 Audit with the Auditor. The audit was clean with no issues. The Committee discussed whether there was a need to lower the pilotage fee. Ms. Stuckey provided the Commissioner's with a copy of the budget sheets for the Commission's accounts with the state. The information needs to be reviewed further. Commissioner Dacey will work with Ms. Stuckey to review the numbers to see if the fees should be lowered.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #16-03 to approve the FY15 Audit. All voted in favor.

Committee Report

A. Investigation Committee:

- I. Marivia - December 15, 2015. This incident is still under investigation.
- II. CMA CGM Almaviva - December 16, 2015. This incident is still under investigation.
- III. Marivia - January 6, 2016. This incident is still under investigation.
- IV. Chem Norma - January 6, 2016. This incident is still under investigation.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 11:05 AM.

Return to Public Session

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 12:09 PM.

Resolution #16-02 to approve Personnel Actions

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the amended Resolution #16-02 to approve Personnel Actions taken by the Commission. All voted in favor.

Resolution #16-04 to Approve the Request to Upgrade Captain
Ronald S. Perry to a Pilot of the Third Grade

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the Resolution #16-04 to upgrade Captain Ronald S. Perry to a Pilot of the Third Grade. All voted in favor.

Resolution #16-05 to Approve the Request to Upgrade Captain
Karen A. Basciano to a Pilot of the Fifth Grade

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the Resolution #16-05 to upgrade Captain Karen A. Basciano to a pilot of the Fifth Grade. All voted in favor.

Adjournment

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:11 PM.